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10/599,757	10/06/2006	**Kevin Michael Mills**	139257WOUS	3807

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EXAMINER	
KASRAIAN, ALLAHYAR	
ART UNIT	**PAPER NUMBER**
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/599,757	MILLS, KEVIN MICHAEL	
	Examiner	Art Unit	
	ALLAHYAR KASRAIAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2012*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-28 and 30-32* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-28 and 30-32* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. The present Office Action is in response to Applicant's amendment filed on 02/14/2012. **Claims 1-28 and 30-32** are still pending in the present application. **This Action is made FINAL.**

Claim Objections

2. **Claim 21** is objected to because of the following informality:

a) On **line 13** of **claim 21**, delete "accept at least one call leg at the personal ring back tone module;" after "parameter;" (since in the line 9 of the claim provides a similar limitation "accept at least one call leg of multiple call legs to connect a calling party,..."). Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

A. **Claims 1-28 and 30-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Beauford (US Patent Application Pub. # 20050094796)** in view of **DeMent et al. (US Patent Application Pub. # 20050117726)** (hereinafter DeMent).

Consider **claim 1**, Beauford discloses a method for providing a personalized ring back tone, comprising:

receiving a location request return result message at a mobile switching center (MSC) (FIG. 2, par. 0026 for locreq message to O-MSC 102);

responsive to receiving the location request return result message, transmitting an initial address message (IAM) to initiate seizure of an outgoing circuit and to provide call routing information to a personal ring back tone platform (par. 0029 for the IAM 206 and call termination at IP 106; IP 106 is considered as a personal ring back tone platform, see par. 0022, 0024 and 0034);

responsive to transmitting the IAM, receiving an address complete message (ACM) [with an optional backward call indicator parameter] at the MSC (par. 0032 for IP 106 sends an ACM to the O-MSC 106);

accepting at least one call leg at the personal ring back tone platform (par. 0022 for the IP 106 sends an answer message to the O -MSC 102 for a call that employs the ringback tone service);

receiving the personalized ring back tone from the personal ring back tone platform while normal call progress of an active call is occurring (par. 0034 for the IP 106 plays the appropriate ringback tone or announcement 216 to the calling

communication device 110, which is the part of call progress as calling party calls to the called party communication device); and

playing the personalized ring back tone as an audible indicator during the normal call progress of the active call (par. 0034 and 0018-0019 for the IP 106 and the data server 108 serve to route calls, connect calls to communication devices, and provide feedback *to be played* (i.e. announcements or tones) to the calling communication device 110 during a call from the calling communication 110 device to the called communication device 112; see also par. 0020 for the IP 106 and the data server 108 allow the user of the called communication device 112 to customize the call progress indications that the calling communication device 110 hears upon occurrence of call progress events).

However, Beauford fails to explicitly disclose receiving the address complete message (ACM) with an optional backward call indicator parameter.

In the same field of endeavor, DeMent discloses receiving the address complete message (ACM) with an optional backward call indicator parameter (par. 0132 with consideration of par. 0113).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate the optional backward call indicator parameter as taught by DeMent to the ACM and CPS messages as disclosed by Beauford for purpose of determining the called part status.

Consider **claim 2**, Beauford as modified by DeMent discloses the claimed invention **as applied to claim 1 above**, and Beauford further discloses wherein the

location request message is sent by a user's HLR (par. 0026).

Consider **claim 3**, Beauford as modified by DeMent discloses the claimed invention **as applied to 2 above**, and Beauford further discloses wherein the personalized ring back tone is provided to a user's device (par. 0024).

Consider **claim 4 as applied to 3 above**, and DeMent further discloses wherein the personalized ring back tone is provided via an open rerve voice path between the personal ring back tone platform and the device (par. 0119).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate an audio channelas taught by DeMent to the IP 106 (the personal ring back tone platform) as disclosed by Beauford for purpose of using an audio or voice channel for ring tone.

Consider **claim 5 as applied to 1 above** and, DeMent discloses if the ACM is received without the optional backward call indicator parameter, receiving a call progress message with an optional backward call indicator parameter at the MSC (par. 0133).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate the optional backward call indicator as taught by DeMent to the ACM and CPS messages as disclosed by Beauford for purpose of determining the called part status.

Consider **claim 6**, Beauford as modified by DeMent discloses the claimed invention **as applied to 5 above**, and Beauford further discloses providing the

personalized ring back tone from the personal ring back tone platform based on the received call progress message (par. 0033-0034).

Consider **claim 7**, Beauford as modified by DeMent discloses the claimed invention **as applied to 2 above**, and Beauford further discloses receiving an IAM from the MSC to a terminating network (par. 0029-0030).

Consider **claim 8**, Beauford as modified by DeMent discloses the claimed invention **as applied to 7 above**, and Beauford further discloses receiving an ACM from the terminating network to the MSC (par. 0032, 0037).

Consider **claim 9**, Beauford as modified by DeMent discloses the claimed invention **as applied to 8 above**, and Beauford further discloses receiving an answer message (ANM) from the terminating network to the MSC (par. 0033, 0037).

Consider **claim 10**, Beauford as modified by DeMent discloses the claimed invention **as applied to 9 above**, and Beauford further discloses receiving a release message from the MSC to the personal ring back tone platform (par. 0034, 0038).

Consider **claim 11**, Beauford as modified by DeMent discloses the claimed invention **as applied to 10 above**, and Beauford further discloses wherein the personalized ring back tone is no longer provided based on at least one of: the received release message or the ANM (par. 0034).

Consider **claim 12**, Beauford as modified by DeMent discloses the claimed

invention **as applied to 10 above**, and Beauford further discloses wherein the calling party device is joined with a called party device (par. 0034).

Consider **claim 13**, Beauford as modified by DeMent discloses the claimed invention **as applied to 12 above**, and Beauford further discloses wherein the called party device is associated with the ANM (par. 0033, 0037).

Consider **claim 14**, Beauford as modified by DeMent discloses the claimed invention **as applied to 7 above**, and Beauford further discloses wherein the terminating network includes the MSC (par. 0016, 0034).

Consider **claim 15**, Beauford as modified by DeMent discloses the claimed invention **as applied to 7 above**, and Beauford further discloses wherein the terminating network includes another MSC (par. 0016, 0034; it is inherently taught a mobile communication networks includes plurality of MSCs).

Consider **claim 16 as applied to claim 1 above**, DeMent discloses wherein the optional backward call indicator includes at least one of: an element header; an in-band information indicator=1; a call forward may occur indicator; a simple segmentation indicator; a network excessive delay indicator; a user-network interaction indicator=1; a MLPP user indicator; spare bits; or reserved bits (par. 0128, 0132, 0138).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate the optional backward call indicator including in-band information and call forward indicators as taught by DeMent to the

ACm message as disclosed by Beauford for purpose of causing value parameter indicating an unsuccessful call.

Consider **claim 17**, Beauford discloses a method for providing a ring back tone, comprising:

receiving an initial address message (IAM) at a sound platform from a mobile switching center (MSC), the IAM initiating seizure of an outgoing circuit and providing call routing information to the sound platform (FIG. 2, par. 0029 for the IAM 206 and call termination at IP 106; IP 106 is considered as a sound platform, see par. 0022, 0024 and 0034);

receiving an address complete message (ACM) at the MSC from the sound platform (par. 0032, 0037); and

accepting at least one call leg at the sound platform (par. 0022 for the IP 106 sends an answer message to the O -MSC 102 for a call that employs the ringback tone service);

receiving the ring back tone from the sound platform while a normal call progress of an active call is occurring (par. 0034 for the IP 106 plays the appropriate ringback tone or announcement 216 to the calling communication device 110, which is the part of call progress as calling party calls to the called party communication device); and

playing the ring back tone as an audible indicator during the normal call progress of the active call (par. 0034 and 0018-0019 for the IP 106 and the data server 108 serve to route calls, connect calls to communication devices, and provide feedback *to be played* (i.e. announcements or tones) to the calling communication device 110 during a

call from the calling communication 110 device to the called communication device 112; see also par. 0020 for the IP 106 and the data server 108 allow the user of the called communication device 112 to customize the call progress indications that the calling communication device 110 hears upon occurrence of call progress events).

However, Beauford fails to explicitly disclose the address complete message (ACM) includes an optional backward call indicator parameter.

In the same field of endeavor, DeMent discloses the address complete message (ACM) includes an optional backward call indicator parameter (par. 0132).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate the optional backward call indicator as taught by DeMent to the ACM message as disclosed by Beauford for purpose of determining the called part status.

Consider **claim 18**, Beauford as modified by DeMent discloses the claimed invention **as applied to 17 above**, and Beauford further discloses wherein the ring back tone is received by a device associated with the IAM (par. 0022, 0034, 0002).

Consider **claim 19 as applied to 18 above**, and DeMent further discloses wherein the ring back tone is based on at least one of: a called party, a called party number, a called party device, a calling party, a calling party number, a calling party device, a time of day, a day of the year, or a location (par. 0003).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate the custom ring-back tone service that

may specify one of several audio clips to be played by a respective phone switch network based on caller identification, time-of-day, or other factors as taught by DeMent to ring back tone as disclosed by Beauford for purpose of specifying the type of ring back tone.

Consider **claim 20**, Beauford discloses a non-transitory computer readable storage medium comprising instructions that when executed by a processor cause the processor to perform:

transmitting an initial address message (IAM) to a first module from a mobile switching center (MSC), the IAM initiating seizure of an outgoing circuit and providing call routing information to the sound platform (FIG. 2, par. 0029, for the IAM 206 and call termination at IP 106; the IP 106 is considered as the firs module);

receiving an address complete message (ACM) at the MSC from the first module (par. 0032, 0037 for IP sends an ACM to the O-MSC 106);

accepting at least one call leg at the sound platform (par. 0022 for the IP 106 sends an answer message to the O -MSC 102 for a call that employs the ringback tone service);

the ring back tone being received while normal call progress of an active call is occurring (par. 0034, the IP 106 plays the appropriate ringback tone or announcement 216 to the calling communication device 110, which is the part of call progress as calling party calls to the called party communication device); and

playing the ring back tone as an audible indicator during the normal call progress of the active call (par. 0034 and 0018-0019 for the IP 106 and the data

server 108 serve to route calls, connect calls to communication devices, and provide feedback *to be played* (i.e. announcements or tones) to the calling communication device 110 during a call from the calling communication 110 device to the called communication device 112; see also par. 0020 for the IP 106 and the data server 108 allow the user of the called communication device 112 to customize the call progress indications that the calling communication device 110 hears upon occurrence of call progress events).

However, Beauford fails to explicitly disclose the second message includes an optional backward call indicator; and receiving a ring back tone from the first module responsive to the received optional backward call indicator.

In the same field of endeavor, DeMent discloses the second message includes an optional backward call indicator (par. 0132); and

providing a ring back tone from the first module based on the received optional backward call indicator (par. 0128, 0138).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate the optional backward call indicator as taught by DeMent to the ACM message as disclosed by Beauford for purpose of determining the called part status.

Consider **claim 21**, Beauford discloses a system for providing a personalized ring back tone, comprising:

a mobile switching center (MSC) (FIG. 1 and 2, par. 0016, 0026) configured to:

receive a location request return result message (FIG. 2, par. 0026 for locreq message to O-MSC 102),

and responsive to receiving the location request return result message, transmit an initial address message (IAM) to initiate seizure of an outgoing circuit and to provide call routing information to a personal ring back tone module (FIG. 2, par. 0029, for the IAM 206 and call termination at IP 106);

the personal ring back tone module operably coupled to the MSC (FIG. 3, par. 0022), the personal ring back tone module configured to:

accept at least one call leg of multiple call legs to connect a calling party, via the at least one call leg, to the personalized ring back tone, (par. 0022 for the IP 106 sends an answer message to the O -MSC 102 for a call that employs the ringback tone service; see also par 0034);

accept at least one call leg at the personal ring back tone module (par. 0022 for the IP 106 sends an answer message to the O -MSC 102 for a call that employs the ringback tone service);

receive the personalized ring back tone from the personal ring back tone module while normal call progress of an active call is occurring (par. 0034 for the IP 106 plays the appropriate ringback tone or announcement 216 to the calling communication device 110, which is the part of call progress as calling party calls to the called party communication device);

play the personalized ring tone via the, voice channel as an audible indicator during normal call progress of an active call (par. 0034 and 0018-0019 for the IP 106

and the data server 108 serve to route calls, connect calls to communication devices, and provide feedback *to be played* (i.e. announcements or tones) to the calling communication device 110 during a call from the calling communication 110 device to the called communication device 112; see also par. 0020 for the IP 106 and the data server 108 allow the user of the called communication device 112 to customize the call progress indications that the calling communication device 110 hears upon occurrence of call progress events).

However, Beauford fails to disclose the connection to the personalized ring back tone is responsive to a received addressed complete message (ACM) including an optional backward call indicator parameter; request a voice channel to be opened; and play the personalized ring tone via the voice channel.

In the same field of endeavor DeMent discloses the connection to the personalized ring back tone is responsive to a received addressed complete message (ACM) including an optional backward call indicator parameter (par. 0132); request a voice channel to be opened (par. 0057); and play the personalized ring tone via the voice channel (par. 0057 and 0019).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate the optional backward call indicator and playing the ringtone through an audio channel as taught by DeMent to the ACM message as disclosed by Beauford for purpose of determining the called part status.

Consider **claim 22**, Beauford as modified by DeMent discloses the claimed invention **as applied to claim 21 above**, and Beauford further discloses wherein the

personal ring back tone module includes identifiers to a called party's sound files (par. 0019-0021, 0030).

Consider **claim 23**, Beauford as modified by DeMent discloses the claimed invention **as applied to claim 22 above**, and Beauford further discloses wherein the personal ring back tone module receives an indication of the calling party form the MSC and based on the indication, provides a sound file identifier (par. 0029).

Consider **claim 24**, Beauford as modified by DeMent discloses the claimed invention **as applied to claim 23 above**, and Beauford further discloses wherein the personalized ring tone is played to a calling party based on the received sound file identifier (par. 0019, 0034).

Consider **claim 25**, Beauford as modified by DeMent discloses the claimed invention **as applied to claim 21 above**, and Beauford further discloses wherein a second call leg of the multiple call legs is used to attempt a connection to a mobile number (par. 0034).

Consider **claim 26**, Beauford as modified by DeMent discloses the claimed invention **as applied to claim 25 above**, and Beauford further discloses wherein the personalized ring tone is played while the connection to the mobile number is attempted (par. 0021, 0034).

Consider **claim 27**, Beauford as modified by DeMent discloses the claimed invention **as applied to claim 26 above**, and Beauford further discloses wherein the

personalized ring tone is stopped when the connection to the mobile number is successful (par. 0034 and 0038).

Consider **claim 28**, Beauford discloses a communications switch adapted to:

receive a location request return result message (par. 0026);

responsive to receiving the location request return result message~ transmit an initial address message (IAM) to initiate seizure of an outgoing circuit and to provide call routing information to a personal ring back tone platform (FIG. 2, par. 0029, for the IAM 206 and call termination at IP 106);

send a first call leg and a second call leg in parallel (par. 0034);

accept at least one call leg at the personal ring back tone platform (par. 0022 for the IP 106 sends an answer message to the O -MSC 102 for a call that employs the ringback tone service);

connect a calling party, via the first call leg, to a personalized ring back tone (par. 0034);

connect the calling party to a called party via the second (par. 0034); and

release the first call leg upon a connection of the second call leg (par. 0034).

receive the personalized ring back tone from the personal ring back tone platform while normal call progress of an active call is occurring (par. 0034 for the IP 106 plays the appropriate ringback tone or announcement 216 to the calling communication device 110, which is the part of call progress as calling party calls to the called party communication device); and

play the personalized ring back tone as an audible indicator during the normal

call progress of the active call (par. 0034 and 0018-0019 for the IP 106 and the data server 108 serve to route calls, connect calls to communication devices, and provide feedback *to be played* (i.e. announcements or tones) to the calling communication device 110 during a call from the calling communication 110 device to the called communication device 112; see also par. 0020 for the IP 106 and the data server 108 allow the user of the called communication device 112 to customize the call progress indications that the calling communication device 110 hears upon occurrence of call progress events).

However, Beauford fails to disclose the connection to the personalized ring back tone is responsive to a received address complete message (ACM) including an optional backward call indicator parameter.

In the same field of endeavor DeMent discloses the connection to the personalized ring back tone is responsive to a received address complete message (ACM) including an optional backward call indicator parameter (par. 0132).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate the optional backward call indicator as taught by DeMent to the ACM message as disclosed by Beauford for purpose of determining the called part status.

Consider **claim 30**, Beauford as modified by DeMent discloses the claimed invention **as applied to claim 28 above**, and Beauford further discloses wherein the release is based on a received answer message (par. 0034, 0038).

Consider **claim 31**, Beauford as modified by DeMent discloses the claimed invention **as applied to claim 28 above**, and Beauford further discloses wherein the switch is at least one of a mobile switching center or an internet protocol based switch (par. 0030, 0033, 0034, 0016).

Consider **claim 32**, Beauford discloses a personal ring back tone module adapted to:

receive an initial address message (IAM), the IAM initiating seizure of an outgoing circuit and providing call routing information to the personal ring back tone module (FIG. 2, par. 0029, for the IAM 206 and call termination at IP 106);

transmit an address complete message (ACM) (par. 0032, 0037) to a mobile switching center (MSC);

accept at least one call leg of multiple call legs to connect a calling party, via the at least one call leg, to a personalized ring back tone (par. 0034),

receive the personalized ring back tone from the personal ring back tone platform while normal call progress of an active call is occurring (par. 0034 for the IP 106 plays the appropriate ringback tone or announcement 216 to the calling communication device 110, which is the part of call progress as calling party calls to the called party communication device); and

play the personalized ring tone via the voice channel as an audible indicator during normal call progress of an active call (par. 0034 and 0018-0019 for the IP 106 and the data server 108 serve to route calls, connect calls to communication devices, and provide feedback *to be played* (i.e. announcements or tones) to the calling

communication device 110 during a call from the calling communication 110 device to the called communication device 112; see also par. 0020 for the IP 106 and the data server 108 allow the user of the called communication device 112 to customize the call progress indications that the calling communication device 110 hears upon occurrence of call progress events).

However, Beauford fails to disclose the address complete message (ACM) including an optional backward call indicator parameter; the connection to the personalized ring back tone is based on the received optional backward call indicator parameter; request a voice channel to be opened; and play the personalized ring tone via the voice channel.

In the same field of endeavor, DeMent discloses the address complete message (ACM) including an optional backward call indicator parameter (par. 0132);

the connection to the personalized ring back tone is based on the received optional backward call indicator parameter (par. 0132);

request a voice channel to be opened (par. 0057); and

play the personalized ring tone via the voice channel (par. 0057 and 0019).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate the optional backward call indicator and playing the ringtone through an audio channel as taught by DeMent to the ACM message as disclosed by Beauford for purpose of determining the called part status.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 17, 20, 21 28 and 32 have been considered but are moot in view of the new ground(s) of rejection necessitated by the new added limitation added to claims 1, 17, 20, 21 28 and 32. See the rejections above for relevant citations found in disclosing the newly added limitations.

5. Applicant's arguments as filed 02/14/2012 with respects to the teachings of Beauford and DeMent have been fully considered but they are not persuasive.

On the bridging paragraph between pages 11 and 12 of the Applicant's remarks, Applicant asserts, "once the location request return message is received, the IAM message is transmitted to perform different functions. One function is to provide routing information to a personal ring back tone platform. Another function is to initiate seizure of an outgoing circuit. In other words, the circuit seizure operation is performed responsive to the transmitted IAM message. Applicant submits that none of the references, alone or in combination, disclose, suggest or render obvious the above-noted features recited in claim 1." Examiner respectfully traverses. The functionalities of claimed invention are disclosed by Beauford. Paragraph [0029] clearly discloses, "To extend the call to the IP 106, the O -MSC 102 sends an initial address message ('IAM') 206 to the IP 106. *The O -MSC 106 sets a calling party number parameter in the IAM* 206 to the directory number (e.g., telephone number) of the calling communication device 110. *The O-MSC 106 sets a RedirectingNumberDigits parameter in the IAM 206 to the directory number of the called communication device 112.* Also, *the O-MSC 106 sets a called party number parameter in the IAM 206 to a routing number employed to*

extend the call to the IP 106. For example, *the O-MSC 106 sets the called party number parameter to a directory number of the IP 106 to identify that the call terminates at the IP 106*." The both indicated functions are taught in paragraph 0029. It is clear to one skilled in the art the call is being seized and as it is redirected to IP 106 for purpose playing ringback tone to the calling party. Furthermore, paragraph 0034 discloses "The O-MSC 106 sends a release ("REL") message 218 to the IP 106. *In response to the REL message 218, the IP 106 sends a release complete ("RLC") message 220 to the O-MSC 106.* The IP 106 initiates a second leg of the call to connect with the called communication device 112. *The IP 106 in one example bridges the first call leg with the second call leg to connect the calling communication device 110 with the called communication device 112*." This paragraph also discloses that the call to called part was seized at the time of the call, and then IP 106 (the claimed personal ringback tone platform) initiate the call to called party. Therefore the initial call is seized and routed to personal ringback tone when the IAM is initiated.

On the first full paragraph of page 12 of the Applicant's remarks, Applicant asserts, "the Examiner relied on paragraph [0029] of Beauford with some additional reliance on paragraphs [0022], [0024] and [0034] as allegedly providing support for the above-noted circuit seizure procedure of claim 1. Applicant strongly disagrees and submits that paragraphs [0022] and [0024] of Beauford do not even mention an IAM message. As for paragraph [0024], an IAM message 206 including a calling party number parameter is sent to an intelligent peripheral 106. The IAM message is further modified to include a RedirectingNumberDigits parameter and a calling party number

parameter. However, there is no suggestion or teaching that such an IAM message is used to initiate seizure of an outgoing circuit. Furthermore, paragraph [0034] provides no additional support for the functions of an IAM message. Such IAM-specific functions recited in claim 1 are beyond the scope of Beauford." Examiner respectfully disagrees. As noted above, one skilled in the art would clearly realize the cited parts (from Beauford) disclose the Applicant's invention. In fact the invention of Beauford is very close the Applicant's invention.

On the bridging paragraph between pages 12 and 13 of the Applicant's arguments/remarks, Applicant argues, "The procedure of 'transmitting an initial address message (IAM) to initiate seizure of an outgoing circuit' is not taught or suggested by Beauford." Examiner respectfully disagrees. First, there is nothing in the claims to disclose the procedure of "transmitting an initial address message (IAM) to initiate seizure of an outgoing circuit." Second, as indicated above, par. 0029 discloses the limitation, and it is clear to one skilled in the art the call is being seized as it is redirected to IP 106 for purpose playing ringback tone to the calling party. Furthermore, paragraph 0034 discloses "The O-MSC 106 sends a release ("REL") message 218 to the IP 106. *In response to the REL message 218, the IP 106 sends a release complete ("RLC") message 220 to the O-MSC 106.* The IP 106 initiates a second leg of the call to connect with the called communication device 112. *The IP 106 in one example bridges the first call leg with the second call leg to connect the calling communication device 110 with the called communication device 112.*" This paragraph also discloses that the call to called part was seized at the time of the call, and then IP 106 (the claimed personal

ringback tone platform) initiate the call to called party. Therefore the initial call is seized and routed to personal ringback tone when the IAM is initiated.

On the first full paragraph of page 13 of the Applicant's arguments/remarks, Applicant argues, "Applicant strongly disagrees and submits that paragraphs [0022] and [0024] of Beauford do not even mention an IAM message. As for paragraph [0024], an IAM message 206 including a calling party number parameter is sent to an intelligent peripheral 106. The IAM message is further modified to include a RedirectingNumberDigits parameter and a calling party number parameter. There is no suggestion or teaching that such an IAM message is used to initiate seizure of an outgoing circuit. Furthermore, paragraph [0034] provides no additional support for the functions of an IAM message. Such IAM-specific functions recited in claim 1 are beyond the scope of Beauford." Examiner respectfully disagrees. As noted above, one skilled in the art would clearly realize the cited parts (from Beauford) disclose the Applicant's invention. In fact the invention of Beauford is very close the Applicant's invention. Furthermore, Applicant should consider all of the teachings of Beauford.

In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's arguments with regards to dependent claims are based on the deficiency of the references to support the limitations of independent claims. The

arguments are respectfully traversed for the same reason(s) as stated above for rejection of claim 1.

Applicant(s) is reminded that the Examiner is entitled to give the broadest reasonable interpretation to the language of the claim. The Examiner is not limited to Applicant's definition, which is not specifically set forth in the claims, *In re Tanaka et al.* 193 USPQ 139, (CCPA) 1977.

The references made herein are done so for the convenience of the Applicant. They are not meant to be limiting and should be considered as a whole.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALLAHYAR KASRAIAN whose telephone number is (571)270-1772. The examiner can normally be reached on Monday through Friday 8:00 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Allahyar Kasraian/
Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617